

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BHUPENDRA BHANDARI,  
Plaintiff,  
v.  
PURAN MEHTA, *et al.*,  
Defendants.

Case No. [02-cv-02813-SI](#)

**ORDER RE: MOTION TO ENFORCE  
SETTLEMENT**

Re: Dkt. No. 107

On August 3, 2018, the Court held a hearing on plaintiff's motion to enforce the settlement agreement between plaintiff and defendant Puran Mehta. Plaintiff appeared at the hearing, and defendant neither attended nor filed a response to the motion.

Pursuant to the settlement agreement, defendant Mehta, the proprietor of Raja Gems, agreed to sue United India Insurance Company in India, and "to give the entire proceeds of such legal action against insurers to B&B imports, including interest decided and awarded by a court of law in India after deducting legal expenses for this proceeding." Dkt. No. 107, Ex. 1. The agreement further provides that "If Raja Gems fails to pursue this course of law and does not sue insurance company within [the] time limit, then B&B Imports would have a right to sue Raja for damages in [the] above case in India as they did in the USA." *Id.*

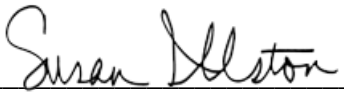
Plaintiff has submitted evidence showing that although Mehta sued United India Insurance Company in India, that lawsuit has been pending in the Indian courts for 16 years and has been subject to numerous adjournments at the parties' requests. Plaintiff now moves this Court "for Permission to Plaintiff Bhandari to revive and restore his claim of losses in this court for [the] original invoice of \$1,135,021 plus compound interest against personal assets of Defendant Mehta if Defendant cannot explain the delay of past sixteen years in Indian Courts." Dkt. No. 107 ¶ 9.

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As the Court informed plaintiff at the hearing, the Court cannot grant the request that plaintiff seeks. The settlement provides, if defendant Mehta does not pursue the lawsuit against United India Insurance Company in India, plaintiff’s recourse is “to sue Raja Gems for damages in . . . India.” The Court is sympathetic to plaintiff’s frustration with the lack of an expeditious resolution in the Indian courts, but unfortunately this Court cannot provide the relief plaintiff seeks.

**IT IS SO ORDERED.**

Dated: August 3, 2018

  
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SUSAN ILLSTON  
United States District Judge